

**Emergency Motion for stay of State Court Ruling**

**THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

**The Estate of Fred Van Winkle, deceased,  
Debtor**

**TAMMY SPRAGUE, personal Representative  
of the Estate of FRED VAN WINKLE**

**and**

**in re: BRIAN DALE VAN WINKLE, infant/minor  
Plaintiff**

**Brian Dale Van Winkle-Beneficiary  
Real Party in interest ( jus personarum)**

**Plaintiff.**

**CAUSE NO. B.C. 313-11743-t7  
BAP#315-1047  
District#D-1215-CV2010-10**

**Vs**

**Bellevue Valley Land Co, a New Mexico  
corporation, and John Williams and  
Ellen B. Williams, Husband and wife.**

**Defendant,**

)  
)  
)

**PLAINTIFFS' EMERGENCY MOTION FOR STAY OF  
DISTRICT COURT PROCEEDINGS.**

---

**1. On 3/6/19 U.S.B.C. Judge Thuma in re: case No. 13-11743t7 , Adv No. 15-01047,  
ordered \$39,241.46, was owed the Plaintiff and The judgement shall bear interest from  
February 22, 2019, until paid at the federal judgement rate.  
On January 27, 2015, Judge Thuma issued a Stipulated order resolving a judicial**

**FILED**  
**at 2:55 o'clock p M**

**JUL 29 2019**

**United States Bankruptcy Court  
Albuquerque, New Mexico**

Emergency Motion for stay of State Court Ruling  
lien in the Amount of \$40,000.00 that was owed the Defendant leaving a  
difference of \$758.54.

2. State Court in Otero County on August 13, 2010 cause No. D-1215-CV-200800076  
has ordered that \$243,944.31 is owed by Plaintiff . State Court in Otero County  
on 4/28/19 cause No. D-1215-CV-2010-1054 has ordered that in the event Defendants  
and/or Defendants in intervention redeem the property, plaintiffs judgement lien will be  
reinstated. Defendants shall be entitled to simulatanious foreclosure of their lien and the  
property shall be placed for sale under the same terms and conditions previously imposed  
in direct controversy with the findings of this court.

3. A hearing has been set in Otero County, cause No. CV-2015-00065, on  
Aug 9, 2019 @ 9:30am.

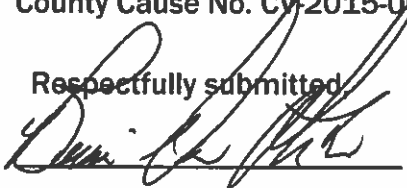
4. This court has a hearing set on Aug 12, 2019 at 9:30 am.

It is imperative this court rule on the pending motions prior to the state Court  
hearing. If the District Court is allowed to conviene on Aug 9,2019, Redemption funds  
will be released or applied and irreperable harm could occur because the state  
court has refused to recognize the ruling of the federal Bankruptcy Court.

Intervening parties request this court enter a stay of the state court proceeding  
until after the hearing in this court on Aug 12, 2019 at 9:30 am.

Wherefore, intervenor respectfully request this court to enter a stay of the Otero  
County Cause No. CV-2015-00065. until after Aug 12, 2019.

Respectfully submitted,



date: 07- 29-2019

Brian Van Winkle,

Pro-se

as; complaintant and Equitable beneficial holder

Brian Van Winkle ,Beneficiary , Pro-se  
P.O. Box 2595  
Ruidoso,N.M.88355  
575-430-4370